



W.P.(MD).No.23906 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23906 of 2023

T.Nithin

... Petitioner

Vs.

1.The Regional Transport Officer,
Marthandam,
Kanyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to release the petitioner's Mini State Carriage bearing Registration No. TN 74-Y-2747 it is in the custody of the second respondent forthwith.

For Petitioner : Mr.A.C.Asaithambi

For R-1 : Mr.B.Saravanan,
Additional Government Pleader.

For R-2 : Mr.K.Sanjai Gandhi,
Government Advocate,
(Criminal Side).



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ORDER

This Writ Petition is filed for Mandamus, directing the first respondent to release the petitioner's Mini Stage Carriage bearing Registration No. TN 74-Y-2747, which is in the custody of the second respondent forthwith.

2. The petitioner is the owner of the Stage Carriage operator. According to the respondents, the petitioner has operated in the unauthorized route and met with an accident, while crossing Neyyoor. For such alleged offence, the respondents can initiate action either to suspend the vehicle for 3 days or until 30 days or compounding fee may be imposed on the petitioner. The relevant portion of the circular is extracted hereunder:

“For the above offence of unauthorized route (Without Permit) the permit of the minibus may be suspended for the minimum of 3 days to the maximum of 30 days or compounding fees Rs.300/- per day (Minimum-Rs.300/-, Maximum-Rs.9000/-) as per rule 206 of Tamil Nadu Motor Vehicles rules 1989”.



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3. In the present case, the respondents have not initiated any proceedings as stated supra and also not releasing the vehicle. The respondents ought to have initiated action as stated supra within a stipulated time. The respondents cannot endlessly retain the vehicle with them. Therefore, the respondents are directed to release the vehicle forthwith. However, the respondents are at liberty to take action for compounding the offence as stated supra and the petitioner is bound by the action of compounding fee.

4. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.

29.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 05.10.2023.



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S.SRIMATHY, J.

Nsr

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